
Introduced by Senator Morrow

February 12, 2004

An act to amend Section 17 of the Code of Civil Procedure, relating to hearings.

LEGISLATIVE COUNSEL'S DIGEST

SB 1249, as introduced, Morrow. Civil procedure: hearings.

Existing law sets forth various definitions of words used in the Code of Civil Procedure.

This bill would define the word "hearing," when applied to any demurrer, motion, or order to show cause for purposes of that code.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17 of the Code of Civil Procedure is
2 amended to read:
3 17. (a) Words used in this code in the present tense include
4 the future as well as the present; words used in the masculine
5 gender include the feminine and neuter; the singular number
6 includes the plural and the plural the singular; the word "person"
7 includes a corporation as well as a natural person; the word
8 "county" includes "city and county"; writing includes printing
9 and typewriting; oath includes affirmation or declaration; and
10 every mode of oral statement, under oath or affirmation, is
11 embraced by the term "testify," and every written one in the term
12 "depose"; signature or subscription includes mark, when the
13 person cannot write, his or her name being written near it by a

1 person who writes his or her own name as a witness; provided, that
2 when a signature is by mark it must, in order that the same may be
3 acknowledged or may serve as the signature to any sworn
4 statement, be witnessed by two persons who must subscribe their
5 own names as witness thereto.

6 (b) The following words have in this code the signification
7 attached to them in this section, unless otherwise apparent from the
8 context:

9 (1) The word “property” includes both real and personal
10 property.

11 (2) The words “real property” are coextensive with lands,
12 tenements, and hereditaments.

13 (3) The words “personal property” include money, goods,
14 chattels, things in action, and evidences of debt.

15 (4) The word “month” means a calendar month, unless
16 otherwise expressed.

17 (5) The word “will” includes codicil.

18 (6) The word “writ” signifies an order or precept in writing,
19 issued in the name of the people, or of a court or judicial officer,
20 and the word “process” signifies a writ or summons issued in the
21 course of judicial proceedings.

22 (7) The word “state,” when applied to the different parts of the
23 United States, includes the District of Columbia and the territories,
24 and the words “United States” may include the district and
25 territories.

26 (8) The word “section,” whenever hereinafter employed,
27 refers to a section of this code, unless some other code or statute
28 is expressly mentioned.

29 (9) The word “affinity,” when applied to the marriage relation,
30 signifies the connection existing in consequence of marriage,
31 between each of the married persons and the blood relatives of the
32 other.

33 (10) The word “sheriff” shall include “marshal.”

34 (11) *The word “hearing,” when applied to any demurrer,*
35 *motion, or order to show cause, signifies oral argument by moving*
36 *and opposing parties on a record amenable to written*
37 *transcription which shall be had unless affirmatively waived by the*
38 *parties.*